

### REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claims 1-4, 6-15 and 34-38 are pending, with claim 1 amended and claims 37-38 added by the present amendment.

In the Official Action, claim 34 was rejected under 35 U.S.C. § 112, second paragraph; claims 1-4, 6-15 and 34-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee et al. (U.S. Patent No. 7,123,333, hereinafter Lee); and claims 1-4, 6-15 and 34-36 were rejected under 35 U.S.C. § 103(a) as being obvious in view of JP 2000-089233 (hereinafter JP '233) in view of Applicant's Admitted Prior Art (AAPA).

Claim 1 is amended and claims 37-38 are added to recite additional features from Applicant's originally filed specification.<sup>1</sup> Fig. 4 is amended to correct a typographical error. No new matter is added.

Applicant files herewith a certified translation of Applicant's priority document (KR 2003-78046, filed on November 5, 2003) to perfect Applicant's claim of priority. Thus, the rejection under 35 U.S.C. § 102(e) in view of Lee is moot, as Lee was filed in the U.S. on May 26, 2005 (and was filed in Korea on November 24, 2003).

Briefly recapitulating, amended claim 1 is directed to

A fabrication method for a color filter panel of a display device, the method comprising:

forming a color filter layer on a substrate, the color filter layer defining an opening;

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<sup>1</sup> Specification, Fig. 5 and Figs. 6A-6I, respectively.

forming a photosensitive layer on the color filter layer; and

forming a spacer spaced apart from the color filter layer by back-exposing the photosensitive layer through the opening and removing an unexposed portion of the photosensitive layer, the spacer aligned with the opening in a direction of the back-exposing,

***the opening located in a region of the color filter panel corresponding to a corner region of a unit pixel region of a corresponding TFT array panel.***

By locating the opening (and the corresponding spacer) in a region of the color filter panel corresponding to a corner region of a unit pixel region of a corresponding TFT array panel, more efficient use of panel real estate may be realized.

JP '233 describes color panels 11 surrounded by walls of black matrix material 12. Formed within openings 13 of the walls of the black matrix material are spacers 14 composed of a photosensitive polymer 14a. However, JP '233 does not disclose or suggest an opening (and the corresponding spacer) in a region of the color filter panel corresponding to a corner region of a unit pixel region of a corresponding TFT array panel.

AAPA describes the formation of spacers 206 over walls of black material 202 that surround color panels 203. However, like JP '233, AAPA does not disclose or suggest an opening (and the corresponding spacer) in a region of the color filter panel corresponding to a corner region of a unit pixel region of a corresponding TFT array panel.

As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claim 1, Applicant submits the inventions defined by claim 1, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.<sup>2</sup>

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<sup>2</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations.

New claim 37 is directed to

A fabrication method for a color filter panel of a display device, the method comprising:

forming a color filter layer on a substrate, the color filter layer having an opening, by sequentially forming first, second and third sub color filter layers;

*forming the opening in the color filter layer and a black matrix on the substrate as the first, second and third sub color filter layers are formed by sequentially masking and etching a respective one of the first, second and third sub color filter layers;*

forming an overcoat layer on the black matrix and the color filter layer;

forming a common electrode layer on the overcoat layer;

forming a photosensitive layer on the common electrode layer; and

forming a spacer in the photosensitive layer by back-exposing the photosensitive layer through the opening and removing an unexposed portion of the photosensitive layer.

More efficient production is achieved by forming the opening in the color filter layer and a black matrix on the substrate as the first, second and third sub color filter layers are formed by sequentially masking and etching a respective one of the first, second and third sub color filter layers.

JP '233 and AAPA are described above. Both JP '233 and AAPA fail to disclose or suggest Applicant's claimed forming the opening in the color filter layer and a black matrix on the substrate as the first, second and third sub color filter layers are formed by sequentially masking and etching a respective one of the first, second and third sub color filter layers. Thus, claim 37 is not *prima facie* obvious in view of JP '233 and AAPA because JP '233 and AAPA both fail to disclose all of the features of Applicant's claimed invention.<sup>3</sup>

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<sup>3</sup> MPEP § 706.02(j)

Applicant plans to file a petition under 37 C.F.R. § 1.182 to withdraw Applicant's terminal disclaimer filed on May 9, 2007 relative to U.S. Patent No. 7,123,333.<sup>4</sup> The original terminal disclaimer was filed in response to a double patenting rejection. Applicant submits that none of the claims of U.S. Patent No. 7,123,333 recite a) forming the opening in the color filter layer and a black matrix on the substrate as the first, second and third sub color filter layers are formed by sequentially masking and etching a respective one of the first, second and third sub color filter layers; or b) an opening located in a region of the color filter panel corresponding to a corner region of a unit pixel region of a corresponding TFT array panel, as recited in pending claims 1 and 37.

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<sup>4</sup> MPEP § 1490, VII.

### CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

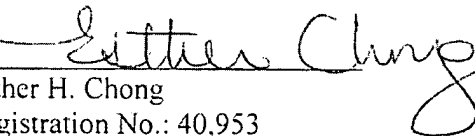
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Michael Monaco (Registration No. 52,041) or the undersigned at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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